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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,579	07/23/2003	Graham Oldfield	5035-151US	7733

7590 02/16/2007  
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EXAMINER

PHAM, TAMMY T

ART UNIT PAPER NUMBER

2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/625,579	Applicant(s) OLDFIELD, GRAHAM	
	Examiner Tammy Pham	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/2006 has been entered.

#### ***Response to Amendment***

2. Independent claims 1, 10, 17, 18 have been amended. Claims 1-18 are pending.

#### ***Drawings***

3. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Figure 9 is objected to because it is referred to in the Specifications, yet it is not included in the application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10-15, 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by DOYLE (US Patent No: 4,847,604).

As for independent claims 1, 10, 17-18, DOYLE teaches of a computing device (*Fig. 1, item 10*) and method adapted to establish which control area (*Fig. 1, items 21*) shown on a display (*Fig. 1, item 11*) of a computing device (*Fig. 1, item 10*) has been selected by a user in

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*Fig. 1 and in column 5, lines 35-40, the device and method comprising the steps of: (a) representing each of a set of device control actions (Fig. 2, item 26) by a different color (Fig. 2, item 27) from one- a set of unique colors using a predefined lookup table (Fig. 2, items 25-27); (b) associating each of a plurality of selectable control areas (Fig. 1, item 21) of the display (Fig. 1, item 11) with one of the different colors (Fig. 2, item 27) in a color mask (Fig. 2, item 27); (c) storing the color mask (Fig. 2, item 27) in a memory (Fig. 1, item 16) of the computing device (Fig. 1, item 10); (d) generating a set of co-ordinates (Fig. 2, item 25) for a contact location (Fig. 1, item 23) on the display (Fig. 1, item 11) while the color mask (Fig. 2, item 27) is not displayed on the display (Fig. 1, item 11); (e) retrieving the color mask color (Fig. 2, item 27) by obtaining the color (Fig. 2, item 27) assorted with a pixel (not shown) in the color mask (Fig. 2, item 27) at a location (Fig. 1, item 23) corresponding to the set of co-ordinates (Fig. 2, item 25); and (f) establishing the control area (Fig. 1, item 21) and the device control action (Fig. 2, item 26) which is associated with the same color (Fig. 2, item 27) as the retrieved color in Figs. 1-2 and in column 8, lines 10-25. (NOTE: In essence, throughout Figs. 1-2 of DOYLE; the position each item (21) in the display (11) is represented by a unique color map (25) which corresponds to a specific index; which in turn corresponds to a unique sting (27) associated with the unique item (21) in the display).*

As for claims 2, 11, DOYLE teaches that the color mask (Fig. 2, item 27) is obtained using a bit map (Fig. 2, item 25) of the control areas (Fig. 1, item 21) in Figs. 1-2 and in column 7, lines 33-36.

As for claims 3, 12, DOYLE teaches that the lookup table (Fig. 2) of the set of unique colors is stored in device memory (Fig. 1, item 16), together with a reference to each associated selectable control area (Fig. 1, item 21) in Figs. 1-2 and in column 5, lines 64-67.

As for claims 4, 13, DOYLE teaches that each of the unique colors in the table (Fig. 2) is represented as an unsigned integer in Fig. 2.

As for claims 5, 14, DOYLE teaches that each of the unique colors in the color mask (Fig. 2) is represented as an unsigned integer and the unsigned integer representing the color at the set of co-ordinates is compared against each unsigned integer in the table (Fig. 2) until a match is found in Figs. 2-3 and in column 9, lines 1-15.

As for claims 6, 15, DOYLE teaches that when a match is found, the corresponding selectable control area (Fig. 1, item 21) is then established using the table (Fig. 2) in Figs. 2-3 and in column 9, lines 1-15.

As for claim 8, DOYLE teaches that the arrangement or design of the different selectable control areas (Fig. 1, item 21) is updatable to a different arrangement or design by altering the bit map (Fig. 2) of the control areas (Fig. 1, item 21) and the color mask (Fig. 1) in column 11, lines 5-10.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOYLE (US Patent No: 4,847,604).

As for claims 7, 16, DOYLE fails to explicitly teach that a selectable control area (Fig. 1, item 21) can be any arbitrary shape so long as the color mask region corresponding to that arbitrary shape can be filled with a single color.

DOYLE implicitly teaches that a selectable control area (Fig. 1, item 21) can be any arbitrary shape so long as the color mask region corresponding to that arbitrary shape can be filled with a single color in Fig. 1 and in column 7, lines 9-11. The controllable items (21) represented on the display have various shapes such as a lamp, chair, sofa or table and hence the fact that the controllable area can take these various shapes indicates that the selectable control area of the apparatus of DOYLE is able to take can any arbitrary shapes.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to specify that the control areas of DOYLE can take on any arbitrary shapes in order to provide a useful way to identify pre-determined images (see column 7, lines 16-17).

As for claim 9, DOYLE fails to teach that altering the bit map of the control areas and the color mask is performed using a paint application.

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Examiner takes official notice that it is well known to alter the bit map of the control areas and the color mask is performed using a paint application.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to use a paint application with the apparatus of DOYLE because it enables the user to utilize a user friendly GUI to manipulate the device.

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

In regards to the applicant's argument that DOYLE fails to teach "the representing of each set of device control action by a different color... and the device control action is associated with the same color as a retrieved color," please look to Figs. 1-3 and in column 8, lines 10-25.



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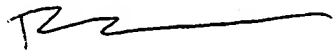
*Conclusion*

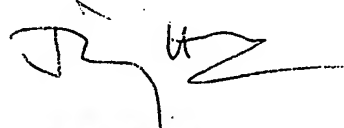
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP  
February 10, 2007

  
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